

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

THE ESTATE OF EDWARD C. GANDY,
JR., by and through its
Administrator ad Prosequendum,
Shane S. Gandy and SHANE S.
GANDY, in his own right,

Plaintiffs,

v.

CITY OF MILLVILLE, et al.,

Defendants.

Civil No. 20-641 (NLH/AMD)

AMENDED SCHEDULING ORDER

This Scheduling Order confirms the directives given to counsel during the telephonic status conference on May 26, 2021 with all counsel as noted on the record; and good cause being shown for the entry of the within Order:

IT IS on this **26th** day of **May 2021**, hereby **ORDERED**:

1. The Court will conduct a telephone status conference on **August 18, 2021 at 10:30 A.M.** Counsel shall utilize the following dial-in instructions for the conference call: 1-888-684-8852 / 2828702# / 654321#.

2. Pretrial factual discovery is hereby extended to **September 15, 2021**. All pretrial discovery shall be concluded by that date. All discovery motions and applications pursuant to L. Civ. R. 37.1(a)(1) shall be made returnable before the expiration of pretrial factual discovery.

3. **Depositions**. All depositions are to be conducted in accordance with the procedures set forth in the order of Judge

Gawthrop, in *Hall v. Clifton Precision*, 150 F.R.D. 525 (E.D. Pa. 1993).

The Court shall not permit at trial any witness testimony by video unless the witness is unavailable as set forth in Fed. R. Civ. P. 32(a)(4), or unless such deposition use is otherwise permitted under Fed. R. Civ. P. 32.

4. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of Plaintiffs shall be served upon counsel for Defendants not later than **October 15, 2021**. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of Defendants shall be served upon counsel for Plaintiffs not later than **November 30, 2021**. Each such report should be accompanied by the *curriculum vitae* of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **December 15, 2021**.

For purposes of this Scheduling Order, treating physicians, if any, shall not be considered expert witnesses and shall be treated as fact witnesses who are, however, required to provide reports and records concerning their treatment. However, any doctor who is going to express an opinion as to the cause of a particular condition or as to the future prognosis of a particular condition shall be considered an expert subject to the requirement of FED. R. CIV. P. 26(a)(2)(B).

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to FED. R. EVID. 701 and *Teen-Ed v. Kimball International, Inc.*, 620 F.2d 399 (3d Cir. 1980).

The Court shall not permit at trial any witness testimony by video unless the witness is unavailable as set forth in Fed. R. Civ. P. 32(a)(4), or unless such deposition use is otherwise permitted under Fed. R. Civ. P. 32.

5. **Dispositive Motions**. Dispositive motions shall be filed with the Clerk of the Court no later than **January 28, 2022**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. Civ. R. 7.1, 7.2, 56.1 and 78.1 (Motion Practice - Generally).

6. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under Fed. R. Civ. P. 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown.

**THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER
MAY RESULT IN THE IMPOSITION OF SANCTIONS UNDER Fed. R. Civ. P.
16(f) .**

s/ Ann Marie Donio
ANN MARIE DONIO
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Noel L. Hillman